

Judge James P. Donohue

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TWENTY-EIGHT THOUSAND, EIGHT-
HUNDRED EIGHTY DOLLARS AND
NO/100 (\$28,880.00) IN U.S. CURRENCY,

Defendant.

CASE NO.: C05-0347D

CONSENT JUDGMENT FOR
FORFEITURE OF \$20,380.00

Comes now the United States of America, Plaintiff herein, by its attorney, the United States, by and through John McKay, United States Attorney for the Western District of Washington, and Richard E. Cohen, Assistant United States Attorney for said District, and Claimant Hoi T. Nguyen, by her attorney Robert M. Leen, and enter into this Consent Judgment for Forfeiture upon the terms and conditions set forth below.

Plaintiff, United States of America, filed its Complaint for Forfeiture against the defendant \$28,8880.00 in U.S. Currency (hereinafter referred to as the "defendant currency") on March 3, 2006. In its Complaint, the United States alleged that the defendant currency was furnished or intended to be furnished in exchange for a controlled substance, constituted proceeds traceable to such an exchange or was used or intended to be used to facilitate a violation of Title 21, United States Code, Section

1 841(a)(1) and is therefore subject to forfeiture to the United States pursuant to Title 21
2 United States Code, Section 881(a)(6).

3 On March 17, 2005, Cach Quan Huyhn filed a claim of interest and answer to
4 complaint as to the defendant currency with the Court. On April 4, 2005, Hoi T.
5 Nguyen filed an Answer to Complaint with the Court.

6 Pursuant to a Warrant of Arrest In Rem the United States Marshals Service
7 arrested the defendant currency on March 4, 2005.

8 Notice of the arrests and the Verified Complaint in the forfeiture action was
9 published in The Daily Journal of Commerce on March 16, 23 and 30, 2005, in order
10 to give all persons, including any unknown claimants, the opportunity to appear and be
11 heard. All interested persons were advised to file their claims pursuant to Supplemental
12 Rule C(6) of the Federal Rules of Civil Procedure with the Clerk of the Court within
13 thirty (30) days after the date of publication and to serve their answers to the complaint
14 within twenty (20) days after the filing of a claim.

15 On November 16, 2005, Claimant Cach Quan Huyhn filed a Recision of Claim
16 with the Court withdrawing his Claim of Interest in the defendant currency. (See
17 Docket No.: 30).

18 No other claims have been made to the defendant funds and no other parties have
19 appeared in this action, except for Claimant Cach Quan Huyhn, who has withdrawn his
20 interest in the defendant currency, and the time for doing so has expired.

21 Hoi T. Nguyen, hereby agrees to release and forever discharge the United
22 States, its agencies, agents, employees and officers, and any other foreign, state, or
23 local law enforcement agents or officers involved in the investigation relating to this
24 case, from any and all claims, liens, demands, obligations, actions, causes of actions,
25 indemnifications, damages, liabilities, losses, costs and expenses, of any nature
26 whatsoever, known or unknown, past, present or future, ascertained or unascertained,
27 suspected or unsuspected, existing or claimed to exist, which said Claimant, his heirs,
28 successors, or assigns may have had, now have, or may hereafter have, arising out of

1 the seizure, handling, disposition and forfeiture of the defendant funds, the
2 investigation leading to such actions, and the subsequent forfeiture proceedings,
3 including any claims for interest and attorneys's fees.

4 The parties hereto now stipulate and agree to the entry of this Consent Judgment
5 for Forfeiture pursuant to the express terms set forth below, without further
6 adjudication of any issue of fact or law.

7 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED:

8 1. The Court has jurisdiction and venue over this matter, the defendant
9 currency, and the parties pursuant to Title 28, United States Code, Sections 1345,
10 1355, and 1395, Title 21, United States Code, Section 881.

11 2. Eight thousand, five hundred dollars (\$8,500.00) of the defendant
12 currency shall be paid to Claimant Hoi T. Nguyen, through Claimant's attorney, Robert
13 M. Leen, by the United States Marshals Service.

14 3. The remaining balance of the defendant currency, twenty thousand, three
15 hundred eighty dollars, (\$20,380.00) and all proceeds from the defendant currency are
16 hereby condemned and forfeited to the United States of America, and no right, title or
17 interest in said funds shall exist in any other person or entity. The United States
18 Marshals Service shall dispose of said funds and said proceeds in accordance with law.

19 4. This Consent Judgment represents a full settlement and satisfaction of all
20 ownership and possessory claims to the defendant currency and its proceeds and of any
21 causes of action arising out of the seizure of the defendant currency. The parties shall
22 execute further documents to the extent necessary to implement the terms of this
23 Consent Judgment for Forfeiture. Each party is to bear its own costs and attorney's
24 fees.

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